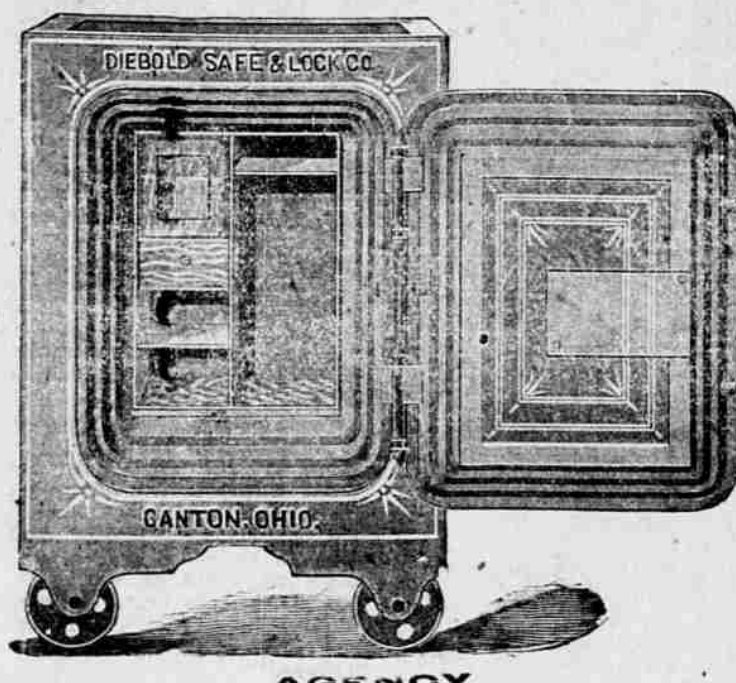


Distributing Agency

B. F. GOODRICH CO.



Vault Linings and Doors,
Special Steel Lined Safes,
Skeleton and House Safes,
Architectural Steel and Iron Work for Jail and Prison Structures.



Diebold-Duplex Automatics,
Express Messenger Boxes,
Combination and Key Locks,
Anti-Dynamite Devices,
Cut-Off Spindles and Special Attachments.

Diebold Safe & Lock Company.

BURGLAR AND FIRE-PROOF CONSTRUCTION

A careful examination will show the Highest Grade Burglar and Fire-Proof Construction the world over is Diebold Workmanship

LET US QUOTE YOU PRICES:

FOR THE SECURITY OFFERED OUR PRICES ARE CHEAPEST.

PRICES.

G. & J. Tires, Pair	\$ 10.00
No. 999 Anti-Cactus, Pair	8.00
No. 999 Roadster, Pair	12.00
Palmer Tires, Pair	10.00
No. 19 Anti-Cactus, Pair	11.00
No. 19 Roadster, Pair	7.00
M. & W. Pattern, Pair	7.00

ASK YOUR DEALERS FOR

Goodrich Tires

insist that you get them. We are distributors and supply the trade.

Cholera, Ill-Health and disease by using Self-Cleansing and Reversible Water Filter THOUSANDS OF PEOPLE BUY THESE FILTERS YEAR AFTER YEAR.

puts new life into the water and removes all germs and impurities. CLEANSE FILTER—Reverse end; attach again faucet, let water flow freely to wash out mud and impurities, and in a few seconds it is again ready.



Just received a large shipment of New Music

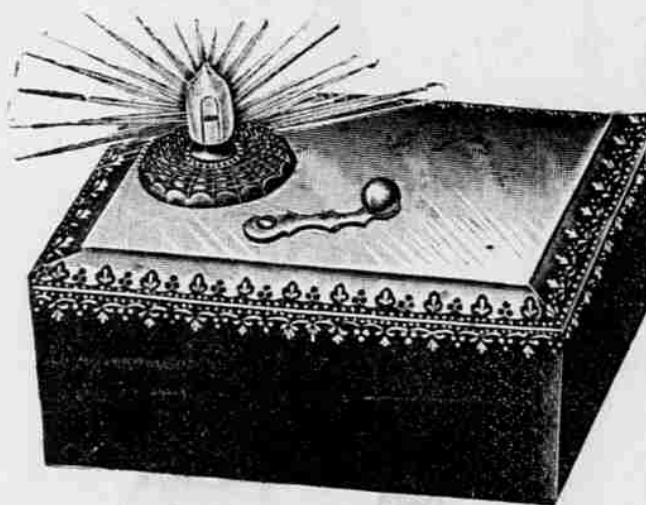
Blue and the Gray,
Goo Goo Eyes,

and many others.

Hot Stuff Patrol,
Honolulu Cake Walk.

Call in and Hear Them.

COLUMBIA Graphophones Records and Blanks



Night Lamps.

Bicycle Lamps,

Packet Flash Lights

and Novelties

Metal Office Furniture

VAULT FITTINGS AND GENERAL OFFICE DEVICES.

We are the agents for and are prepared to make estimates and quote prices on all kinds of metal office fixtures and devices.

These devices are all constructed of the finest selected stock, pickled and cold rolled steel, finished in an elegant and ornate manner, hand rubbed enamel of any desired color.

This furniture is rapidly replacing wood for Government Records, Banks, and General Office use. Among the points of superiority are Security from Fire and consequent protection of papers and documents. Saving in space as compared with wood devices. Impervious to weather changes (no warped or stuck drawers.) Proof against INSECT RAVAGES. While absolutely any style of device or fixture is manufactured Among these in more common use are,

SLIDING SHELVES.

FILES.

VAULT OMNIBUSSES.

BOOK CASES.

DESKS, TABLES.

COUNTERS, ETC.

LEGAL DOCUMENT

CARD INDEX FILING

CASES.

LETTER FILING CASES.

BOOK STALLS AND

MAP CASES.

Let us Submit You Estimates.

Pearson & Potter Company, Ltd.

926 FORT STREET.

TEL. MAIN 784.

IN THE SUPREME COURT OF THE TERRITORY OF HAWAII.

DECEMBER TERM, 1900.

NG CHUNG TUG v. JICK KEE.

EXCEPTIONS FROM CIRCUIT COURT, FIRST CIRCUIT.

SUBMITTED JANUARY 2, 1901.

DECIDED MARCH 8, 1901.

FREAK, C.J., GALBRAITH AND PERRY, JJ.

A stranger to a promissory note who writes his name across the back thereof, before delivery, is *prima facie* an endorser and entitled to notice of the default of the maker.

OPINION OF THE COURT BY GALBRAITH, J.

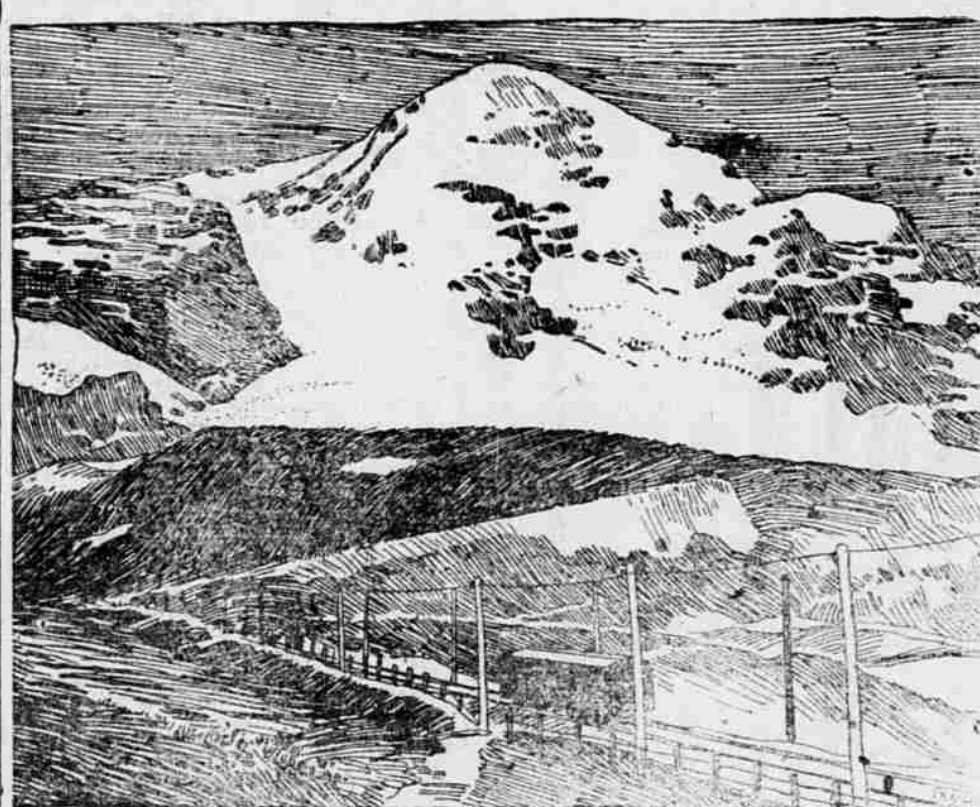
The defendant excepted to the ruling of the Circuit Court dismissing his appeal and affirming the judgment of the District Magistrate.

The plaintiff entered suit in the District Court at Honolulu against the defendant, as endorser, and one Lee Choy, as maker, of a promissory note for \$130.00 payable on demand. The judgment was for plaintiff for the full amount of his claim. The defendant appealed on points of law certified as follows:

1. Whether legal notice was given him of the default of the maker of the note. 2. Whether the District Magistrate had the right, after the evidence was in and the case closed, excepting the argument, to permit amendment of the complaint.

The transcript of the evidence shows that the defendant endorsed the note by writing his name across the back thereof before delivery; that on account of such endorsement the plaintiff loaned the money to Lee Choy, the maker of the note; that demand for payment was made on Lee Choy and payment was refused; that "2 or 3 days" thereafter payment was demanded of the defendant who said "no money at present"; that suit was entered immediately. That the amendment allowed by the District Magistrate and complained of by the defendant, was permitting the plaintiff to change the date of the note as alleged in the complaint from 1897 to 1894, to correspond with the note which was introduced in evidence.

There is a hopeless diversity among the authorities as to the exact legal liability assumed by a stranger to a promissory note, who writes his name across the back thereof, before delivery. The supreme courts of some twenty of the States and the Supreme Court of the United States have held that, *prima facie*, such a person is liable as an original promisor. Other courts hold that, *prima facie*, he is liable as a guarantor. While other courts hold that, *prima facie*, he is liable as an endorser. Among those



THE RAILWAY UP THE ALPS.

Although construction work on the railway up to the summit of the Jungfrau, 13,679 feet above the sea level, has been temporarily suspended owing to the death of its promoter and concessionaire, no one believes the project will be permanently abandoned. The greatest expense in the work of constructing this wonderful railway is that in connection with the tunneling, of which there is much to do. But the rushing torrents are capable of furnishing an almost unlimited amount of electrical energy, and this can and will be employed to drive the tunnels. It is estimated that when the railway is completed the trip to the summit of the Jungfrau will take only one hour and forty minutes.

holding the latter view, was the Supreme Court of the Hawaiian Islands, saying: "This has been the view which has obtained for a long while in the business community of these islands. And being free to decide either way upon authority, and there being good reasons for both views, we prefer to adopt the view which has prevailed here among business men, and hold that such a person is a first endorser." *Yuen Lung & Co. v. Burke*, 9 Haw. 146.

The plaintiff in this action seemed to recognize this to be the law in this jurisdiction. The defendant is sued as an endorser and the allegation is made in the declaration that on the day of the default of the maker of the note, notice was given the defendant and demand made for payment, although the proof does not sustain this allegation. All of the evidence shows that the defendant was regarded as an endorser by the parties to the transaction. Under the circumstances we hold that the defendant was an endorser of the note sued on, and as such was entitled to notice of the default of the maker on the day following his refusal to pay. That notice and demand on the defendant "2 or 3 days" afterwards was not a sufficient compliance with the rule and he was thereby released from liability. There was no offer by the plaintiff to explain the delay in making demand on defendant or to show why proper notice was not given.

The defendant's first point of law was well taken, and should have been sustained.

The exception is sustained.

Paul Neumann for plaintiff.

Robertson & Wilder for defendant.

HOW THE SALVATIONISTS CARRY ON WAR IN MAUI

Saying "good-bye" to the family, I started off on my first trip of the century by boarding the S. S. Claudine for Maui. The sea, much to my joy and comfort, was exceptionally calm, so I did not suffer from my old enemy, "mal de mer." During the evening, while lying in my bunk, I could hear some people singing somewhere on the boat, and could not make out at first who it could be, but presently, when they swung into "It's the Old-Time Religion," I remembered that a party of colored people, just arrived from Tennessee, were on board, going to Wailuku. The sound brought back recollections of the East.

We dropped anchor at Lahaina, about 1 a. m., and were soon taken ashore in the ship's boat. On the wharf I found my Irish friend, Captain Bamberg, patiently waiting for me, and evidently glad to see me. This was my first visit to Lahaina, and my two days' stay has fixed upon my mind some very pleasant memories. Meetings have been commenced in this town since my last visit to the island, but I found that even in this short time the people have got to love the Army and its officers, and they are made welcome everywhere. Mrs. Horner and her family made the D. O. feel perfectly at home in their midst. God bless these and all our other kind friends.

We held two meetings, and through the kindness of Judge Kahaulelio, we had the use of the Hale-Aloha (House of Love), the old native church. The first evening our audience consisted of whites and Chinese, while on the second night, the majority was made up of natives. The only visible result was one hand raised for prayer.

Lahaina is a lovely spot, and well worth visiting. It was formerly the capital of the island, and the residence of the kings, but, although its grandeur may be departed, it is still of considerable importance, being the shipping and business center for the three plantations which surround it. One of the most interesting sights here is the little group of grass huts, occupied by a colony of South Sea Islanders who manufacture the beautiful native hats for which Lahaina is celebrated. I believe that before long this place, with the adjoining plantations of Olowalu and Kaanapali, will be made into a separate circuit, with an officer of its own.

These being moonlight nights, we decided to drive around the West Maui mountains to Wailuku after the meeting. I enjoyed our twenty-five mile drive very much; the brilliant moonlight made it almost as bright as day, so that we could take in the views of the pali (cliffs) and ocean about as well as if it were day time. Besides having the advantage of the coolness of the night, which is much to be preferred to the tropical heat of the day, Wailuku, the circle headquarters, was reached a little before 3 a. m. We lost no time in getting to bed, so as to be

ready for the hard day's work, which was an ice-cream "go" at night. We found that Lieutenant McLeod, who was at home, had been fighting away as usual in Central Maui, while the captain was away with me.

We put in a good day on Sunday. Commenced with a Bible class, taking the junior company lesson for that day as our subject (an excellent idea, which we pass on to others). We next proceeded to jail for a meeting. Sister Annie Sam, one of our native lassies, was a big help; one of the colored men from Tennessee was also along, and we finished with five prisoners kneeling at the penitent form—two natives, two Chinese and one Jap. We had about forty children of various nationalities in the company meeting. We had a splendid open-air meeting at night, and the crowd inside was also good.

On Monday I was called away to Kahului to conduct the funeral of Miss Susie Kirkland, the daughter of the manager of the company's store. It was sad, inasmuch as her death, which came only after a few days' illness, had been quite unexpected. After the funeral the captain and I drove over to Spreckelsville camp 5, and held a meeting in the club house. Miss Renwick, the matron, is a great believer in the Salvation Army, and conducts a junior company for Cry's captain every Sunday morning. The next day we returned to Kahului. Here we have another company meeting, which the captain himself conducts every Sunday afternoon.

And now we take another trip. I was anxious to visit East Maui, and the quickest way is by boat, so we boarded the steamer Maui on Wednesday afternoon. She makes the seventh steamer that I have had the agony of traveling on. The trip was rough, and I was glad when we reached Hana. During the two days we remained here we were most hospitably entertained at the house of Mr. Kawai, the principal of the public schools. In the morning and evening we went visiting and selling War Cry's. In the evening we went through the Japanese camp, accompanied by Mr. Inai. We went through the whole camp selling our War Cry's. Our stock of Japanese vernacular isn't very extensive, but it suffices for pushing the paper. It would be as follows: "Kumaba toke no koye kiyo sa gun tokyo pi mai ni mai go sen," which being interpreted means, "Good evening; here is the War Cry of the Salvation Army just come from Tokyo, and only costing two copies for five cents." Some would tell us "they no got," but after looking it over, would produce their nickel and with a bow and a "sayonara" (good-bye) we went on. The captain and I sold fifty each.

Then gathering on the main street, we held a meeting, surrounded by Japanese. We sang songs in their own language, and then addressed them in English, our talks being interpreted by Brother Imal.

Next morning, in proper apostolic fashion, we tramped over to Hamoa, calling at the different houses on the way. I found the managers of both the plantations, together with the leading people, most friendly to us, and on all sides the cry was for resident officers. Oh, for officers! Truly the harvest is great!

At the conclusion of our meeting on the second afternoon, we went down to the wharf and got aboard the Maui to return to Wailuku.

MAJOR GEORGE WOOD.